

REMARKS

Claims 1-17 are pending in this application; claims 1 and 9 are independent claims. Dependent claims 16 and 17 are new. Claims 1-15 have been rejected. Claims 1-5, 8-10, and 13-14 are rejected under 35 U.S.C. 103(a) as unpatentable over US 2003/0064758 to Mizuta et al. ("Mizuta") in view of US Patent No. 6,359,954 to Kim ("Kim 1"). Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as unpatentable over Mizuta in view of Kim 1 in view of Kim 2, as applied to Claims 3 and 9, and further in view of US Patent No. 6,993,366 to Kim ("Kim 2"). Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as unpatentable over Mizuta in view of Kim 1, as applied to Claims 6 and 11, and further in view of US Patent No. 6,819,939 to Masamura ("Masamura"). Claim 15 is rejected under 35 U.S.C. 103(a) as unpatentable over Mizuta in view of Kim 1, as applied to claim 9, and further in view of US 2002/0198017 to Babasaki et al. ("Babasaki"). Only claim 1 has been amended. Independent claim 1, similar to independent claim 9, now requires "said first speaker and said second speaker are provided in a same face of the first housing." Applicant respectfully submits that none of the cited references disclose or suggest this claimed feature. Accordingly, Applicant submits all claims are allowable over the cited prior art.

The two independent claims, claims 1 and 9, describe a first speaker and a second speaker wherein each speaker is in the same face of the first housing and pointing in the same direction. This feature is shown, for example, in Figs. 1 and 3 of Applicant's application. Those figures show speaker 13a and 13b on a first housing that is exposed in both the opened and the closed state. That is because the housing is configured to rotate rather than flip open. Thus, the speakers 13a and 13b, which are on the same housing, always face in the same direction as the display whether the portable radiotelephone is opened or closed. None of the references cited by the Examiner disclose or suggest that combination of speakers, having that orientation.

In rendering independent claims 1 and 9 invalid as obvious, the Examiner relies on the combination of Mizuta and Kim 1. The Examiner acknowledges that Mizuta fails to disclose the claimed aspect of a first speaker and a second speaker wherein each speaker is in the same face as in the first housing or directed in the same direction with a face provided with the main operation section. See, for example, page 7 of the Office Action. Rather, the Examiner relies on Kim 1 for this missing aspect. As explained below, Kim 1 is equally unavailing inasmuch as it also fails to disclose a first speaker and a second speaker wherein each speaker is in the same face as the first housing or directed in the same direction with a face provided with the main operation section.

Kim 1 discloses a mobile telephone having a flip 102 that moves independently of the body 100. The body 100 includes an LCD 104. As shown in Kim 1, the flip 102 moves independently of the body and display. The flip includes two speakers 118 and 124. The first speaker is disposed on an outside wall of the flip 102 and is accessible when the mobile terminal is closed. The second speaker 124 is on an inside wall of the flip 102 and is not accessible while the phone is in the closed position. In contrast, the claimed device includes first and second speakers that are on the first housing and located at opposite ends (**not front and back sides**) on the same side of the first housing. Both the first and second speakers are in the same face and point in the same direction and are accessible in either the opened or closed positions.

In applying Kim 1, the Examiner has unfairly construed the requirement of the claims that the first speaker is at one end of the first housing and the second speaker is provided at the other end of the first housing. Specifically, the Examiner asserts that "one end of the housing is one side of the housing and the other end of the housing is the other side of the housing." Office Action at 7. The Examiner also urges that "both speakers are provided in same

direction, which is the outward direction, as the main section." Id. The Examiner's reading of this language, in order to have Kim 1 apply against the claims, is not consistent with Applicant's disclosure, which unambiguously shows a first speaker and a second speaker on the same face as the first housing and pointing in the same direction. Indeed, a configuration as shown in Kim 1, where the first speaker is on an outer wall of the flip and a second speaker is on an inner wall of the flip, would not work in Applicant's claimed invention, which is not a flip type device. In Applicant's device, the first housing does not flip but rotates. In that regard, claim 1 requires that the speaker section (that comprises the first speaker **and** second speaker) is **exposed outside in both the closed state and the opened state**. That is just not true for Kim 1 or any of the references cited by the Examiner. As previously discussed, in Kim 1, the second speaker is not visible or accessible until the flip is opened. In other worked it is not exposed in the closed state. Accordingly, none of the cited references, including Kim 1, recite either first speaker and second speaker) is exposed outside in both the closed state and the opened state or a first speaker and a second speaker wherein each speaker is provided in a same face of the first housing.

New claims 16 and 17 are dependent on claims 1 and 9, respectively, and are allowable for the same reasons that independent claims 1 and 9 are allowable. Separately, claims 16 and 17 are allowable since the prior fails to disclose a portable radiotelephone wherein a communication to another party may be initiated and a communication from a third party may be answered in the closed state.

For the foregoing reasons, Applicant respectfully submits all the pending claims are now allowable over the cited prior art. Payment of the appropriate fees, if any, and/or granting of the appropriate extension is requested, and the Commissioner is directed to debit our deposit account, Account No. 50-0675, Order No. 848075/0060, for the amounts required.

Respectfully submitted,

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John C. Garces
Reg. No. 40,616
Schulte Roth & Zabel, LLP
919 Third Avenue
New York, NY 10022
Tel.: (212) 756-2215